

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

PRUDENCE F. MAXON, individually  
and on behalf of all others similarly situated,

Plaintiff,

**CASE NO. 3:18-cv-00254-jdp**

v.

SENTRY LIFE INSURANCE  
COMPANY,

Defendant.

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**DECLARATION OF JOSEPH M. FEIERABEND IN SUPPORT OF PLAINTIFF'S  
REPLY ON NOTICE OF SUPPLEMENTAL AUTHORITY**

Joseph M. Feierabend hereby declares as follows:

1. I am an attorney and partner at the law firm of Miller Schirger LLC, counsel of record for Plaintiff and the putative class in the above-captioned matter. I make this declaration based on my personal knowledge and if called to testify to the contents hereof, I could and would competently do so.

2. On April 23, 2019, I submitted a Declaration in Support of Plaintiff Prudence F. Maxon's Notice of Supplemental Authority, ECF No. 129, describing discovery of a decision of administrative law Judge Alice M. Shuman-Johnson of the State of Wisconsin, Office of the Commissioner of Insurance ("OCI"), on motions for summary judgment filed in the *Matter of PHL Variable Insurance Co.*, No. 13-C35362 (Wis. Off. Ins. Comm.) ("PHL Matter").

3. Attached hereto as Exhibit A is certain email correspondence occurring on April 22, 2019, between counsel for Plaintiff and Defendant concerning Plaintiff's

anticipated filing of notice of the *PHL Matter*, such notice having been submitted to the Court on April 23, 2019. ECF No. 128.

4. Attached hereto as Exhibit B is an April 30, 2013, Notice of Hearing in the *PHL Matter*, executed by Richard B. Wicka, attorney for the Wisconsin Office of the Commissioner of Insurance.

5. Attached hereto as Exhibit C is a “Settlement Agreement and Release” in the *PHL Matter* as executed by attorneys for the Wisconsin Office of the Commissioner of Insurance and PHL Variable Insurance Company on June 19, 2017 and June 20, 2017, respectively.

I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed on May 2, 2019, in Kansas City, Missouri.

/s/ Joseph M. Feierabend  
Joseph M. Feierabend  
Miller Schirger, LLC  
4520 Main St., Ste. 1570  
Kansas City, MO 64111  
Telephone: (816) 561-6500  
Facsimile: (816) 561-6501  
Email: jfeierabend@millerschirger.com